

REMARKS

Claims 1-3, 5, 8, 11-26, 28-29, 34-39, 41, 43, 45, 47-62 and 64-78 are pending in this application. Claim 69 has been canceled without prejudice, and claims 1, 13, 24, 37, 49, 60, 70, 73, 75 and 78 have been amended by the present Amendment. Amended claims 1, 13, 24, 37, 49, 60, 70, 73, 75 and 78 do not introduce any new subject matter.

REJECTION UNDER 35 U.S.C. § 112

Reconsideration is respectfully requested of the rejection of claim 78 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claim 78 to recite "a dielectric constant of the liquid crystal layer measured in a parallel or a perpendicular direction with respect to an orientation of molecules of the liquid crystal layer." Accordingly, Applicants respectfully submit that the amendment to claim 78 (and to claims 13 and 49) clarifies that Applicants are claiming an insulating layer with a lower dielectric constant than a dielectric constant of the liquid crystal layer measured in either a parallel or perpendicular direction with respect to the liquid crystal molecules. That is, the dielectric constant of the insulating layer is lower than the dielectric constant of the liquid crystal layer for either orientation.

Therefore, Applicant respectfully requests that the Examiner's indefiniteness rejection under 35 U.S.C. § 112 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102

"A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Reconsideration is respectfully requested of the rejection of claims 1-3, 5, 11-13, 15, 19-22, 37-39, 41, 45, 47-49, 51, 55-58, 67, 68, 71 and 72 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,864,945 (“Fujimori”). Applicants respectfully submit that amended claims 1 and 37 and the claims dependent thereon are not anticipated by Fujimori.

Applicants respectfully submit that Fujimori does not disclose the limitations of amended claims 1 and 37, especially the second electrode (e.g., reflection electrode 170) electrically connected to the first electrode (e.g., transmission electrode 150) in at least two locations in the window (e.g., window 165).

In contrast, Fujimori discloses a reflection section 2a electrically connected to a transmission electrode 2b at one location in the contact hole 3a. See, e.g., Fujimori, Figs. 3 and 5. Indeed, the lack of a second connection in the contact hole is necessary in order to maintain a distance between adjacent pixel electrodes so that no electrical connection is established therebetween. See, e.g., Fujimori, col. 7, lines 24-26.

Therefore, Applicants respectfully submit that independent claims 1 and 37 are not anticipated by Fujimori and are in condition for allowance.

Also, claims 2-3, 5, 11-13, 15, 19-22 and 67-68 and claims 38-39, 41, 45, 47-49, 51, 55-58 and 71-72 respectively depend from claims 1 and 37, which, for the reasons

stated hereinabove, are submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 2-3, 5, 11-13, 15, 19-22 and 67-68 and claims 38-39, 41, 45, 47-49, 51, 55-58 and 71-72 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 5, 11-13, 15, 19-22, 37-39, 41, 45, 47-49, 51, 55-58, 67-68 and 71-72 under 35 U.S.C. § 102(e).

Reconsideration is respectfully requested of the rejection of claims 75 and 77-78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,620,655 ("Ha"). Applicants respectfully submit that amended claim 75 and claims 77-78 dependent thereon are not anticipated by Ha.

Applicants respectfully submit that Ha does not disclose the limitations of amended claim 75, especially the second electrode (e.g., reflection electrode 170) provided on the first electrode (e.g., transmission electrode 150) in at least two locations within a window (e.g., window 165) formed in the insulating layer, wherein a predetermined portion of the second electrode in the window is removed for exposing a predetermined portion of the first electrode.

In contrast, the etching hole 155 in Ha, which the Examiner refers to as a transmission window, does not include the metal layers 166, 168 provided on the electrode 119a. The provision of the metal layers 166, 168 on the electrode 119a occurs outside of the etching hole 155. Furthermore, the electrode 119a is not exposed in the etching hole 155, since a passivation layer 169 is formed thereon. See, e.g., Ha, Fig. 7F.

Therefore, Applicants respectfully submit that independent claim 75 is not anticipated by Ha and is in condition for allowance.

Also, claims 77-78 depend from claim 75, which, for the reasons stated hereinabove, is submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 77-78 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 75 and 77-78 under 35 U.S.C. § 102(e).

REJECTIONS UNDER 35 U.S.C. § 103(a)

Reconsideration is respectfully requested of the rejection of claims 16 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Fujimori in view of U.S. Patent Publication No. 2003/0071944 ("Baek").

As argued above, Applicants respectfully submit that Fujimori does not expressly or inherently disclose the second electrode electrically connected to the first electrode in at least two locations in the window, as recited in independent claims 1 and 37. Further, the addition of Baek does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claims 1 and 37, and that it would not have been obvious to modify Fujimori, in view of Baek, to develop same.

As such, Applicants respectfully submit that claims 1 and 37 are patentable over Fujimori in view of Baek. For at least the reason that claim 16 depends from claim 1 and claim 52 depends from claim 37, claims 16 and 52 are also submitted to be

patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claims 16 and 52 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claims 8, 14, 17, 18, 23, 43, 50, 53, 54 and 59 under 35 U.S.C. § 103(a) as being unpatentable over Fujimori in view of U.S. Patent No. 6,295,109 ("Kubo").

As argued above, Applicants respectfully submit that Fujimori does not expressly or inherently disclose the second electrode electrically connected to the first electrode in at least two locations in the window, as recited in independent claims 1 and 37. Further, the addition of Kubo does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claims 1 and 37, and that it would not have been obvious to modify Fujimori, in view of Kubo, to develop same.

As such, Applicants respectfully submit that claims 1 and 37 are patentable over Fujimori in view of Kubo. For at least the reason that claims 8, 14, 17, 18 and 23 depend from claim 1 and claims 43, 50, 53, 54 and 59 depend from claim 37, claims 8, 14, 17, 18, 23 43, 50, 53, 54 and 59 are also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claims 8, 14, 17, 18, 23 43, 50, 53, 54 and 59 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claims 24-26, 28, 29, 34, 35, 60-62, 64, 65, 70, 73 and 74 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Fujimori, claim 69 having been canceled.

Applicants respectfully submit that Ha, when taken alone or in combination with

Fujimori does not disclose the limitations of amended claims 24 and 60, especially the third electrode (e.g., common electrode 230) that is bent in accordance with a difference between the first and second thickness, as recited in claim 24, see, e.g., Fig. 11B, and a second thickness thinner than the first thickness throughout a second area corresponding to the second electrode on a second substrate, as recited in claim 60. See, e.g., Figs. 11A and 11B. Further, it would not have been obvious to modify Ha in view of Fujimori to develop same.

As admitted by the Examiner, Ha fails to specifically disclose the structure of the second substrate comprising the color filter, and relies on Fujimori to cure this deficiency in Ha. However, in contrast to the claimed embodiments, the transparent electrode 7 in Fujimori is independent of the thickness of the color filter 5 and the transparent electrode 7 is not bent. Furthermore, the thinner thickness of the color filter is not throughout a reflection section 2a of Fujimori, and is only present in part of the reflection section 2a corresponding to the black matrices 6. See, e.g., Fujimori, Figs. 3 and 5.

Therefore, Applicants respectfully submit that independent claims 24 and 60 are patentable over Ha in view of Fujimori and are in condition for allowance.

Also, claims 25-26, 28, 29, 34-35 and 70 and claims 61-62, 64, 65 and 73-74, respectively depend from claims 24 and 60, which, for the reasons stated hereinabove, are submitted to be patentable over the cited references. For at least those very same reasons, claims 25-26, 28, 29, 34-35 and 70 and claims 61-62, 64, 65 and 73-74 are also submitted to be patentable over the cited references.

Therefore, Applicants respectfully request that the Examiner withdraw the

rejection of claims 24-26, 28, 29, 34, 35, 60-62, 64, 65, 70, 73 and 74 under 35 U.S.C. § 103(a) and that claims 24-26, 28, 29, 34, 35, 60-62, 64, 65, 70, 73 and 74 are in condition for allowance, claim 69 having been canceled.

Reconsideration is respectfully requested of the rejection of claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Fujimori as applied to claim 24, and further in view of Kubo.

As argued above, Applicants respectfully submit that Ha when taken alone or in combination with Fujimori does not expressly or inherently disclose the third electrode that is bent in accordance with a difference between the first and second thickness, as recited in independent claim 24. Further, the addition of Kubo does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claims 24, and that it would not have been obvious to modify Ha in view of Fujimori and Kubo, to develop same.

As such, Applicants respectfully submit that claim 24 is patentable over Ha in view of Fujimori as applied to claim 24 and further in view of in view of Kubo. For at least the reason that claim 36 depends from claim 24, claim 36 is also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claim 36 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claim 66 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Fujimori, as applied to claim 65, and further in view of Baek.

As argued above, Applicants respectfully submit that the combination of Ha and Fujimori does not expressly or inherently disclose a second thickness thinner than the first thickness throughout a second area corresponding to the second electrode on a second substrate, as recited in independent claim 60. Further, the addition of Baek does not render the claimed features obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claim 60, and that it would not have been obvious to modify Ha, in view of Fujimori and Baek, to develop same.

As such, Applicants respectfully submit that claim 60 is patentable over Ha in view of Fujimori as applied to claim 65, and further in view of Baek. For at least the reason that claim 66 depends from claim 60, claim 66 is also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claim 66 under 35 U.S.C. §103(a).

Reconsideration is respectfully requested of the rejection of claim 76 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Baek.

As argued above, Applicants respectfully submit that Ha does not expressly or inherently disclose the second electrode provided on the first electrode in at least two locations within a window formed in the insulating layer, wherein a predetermined portion of the second electrode in the window is removed for exposing a predetermined portion of the first electrode, as recited in independent claim 75. Further, the addition of Baek does not render the claimed features obvious.

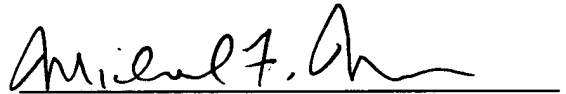
Therefore, it is respectfully submitted that the cited references, when taken alone

or in combination, do not disclose or suggest the recited features of claim 75, and that it would not have been obvious to modify Ha, in view of Baek, to develop same.

As such, Applicants respectfully submit that claim 75 is patentable over Ha in view of Baek. For at least the reason that claim 76 depends from claim 75, claim 76 is also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claim 76 under 35 U.S.C. §103(a).

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner telephone may Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", is written over a horizontal line.

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